

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2765 – SB 2701

March 16, 2010

SUMMARY OF AMENDMENT (014528): Deletes all language after the enacting clause. Creates the Second Look Commission to review an appropriate sampling of cases involving a second or subsequent incident of severe child abuse to determine whether severe child abuse cases are handled in a manner that provides adequate protection to the children of this state. Requires one law enforcement officer be appointed from a county with a population of more than 250,000 and one from a county with a population of less than 250,000. The Commission is administratively attached to the Tennessee Commission on Children and Youth. Requires the Commission to meet at least quarterly with the first meeting being no later than November 1, 2010. Written minutes shall be kept of all meetings. Requires the Department of Children's Services (DCS) to provide the Commission with a table detailing profiled cases from the previous fiscal year by October 1, 2010, and thereafter annually beginning October 1, 2011. The table shall include, but not be limited to, the county, type of abuse, and the age of the child. Requires the Commission to review the table and submit a list of selected cases to DCS. Requires DCS to provide a summary of the procedural history of each selected case. After review of the required summaries, the Commission shall select up to 10 percent of the total number of cases profiled for further review.

Requires the Commission to report to the General Assembly on its progress in fulfilling its duties by January 1, 2011. Requires the Commission to report on the Commission's findings and recommendations no later than January 1, 2012, and annually thereafter, to the Governor, the Senate and House of Representatives Judiciary Committees, the Senate General Welfare, Health and Human Resources Committee, the House of Representatives Children and Family Affairs Committee, and the Select Committee on Children and Youth. The Commission may hold hearings, hear testimony, conduct research, and provide reimbursement for actual expenditures to witnesses. Members of the Commission shall be reimbursed for travel expenses. Authorizes the co-chairs of the Commission to replace any member after three successive absences from Commission meetings. Requires the Commission to adopt and implement a policy relative to conflicts of interest. The Commission sunsets on June 30, 2012, unless continued by the General Assembly.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$5,000/One-Time
\$178,500/Recurring

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$36,800

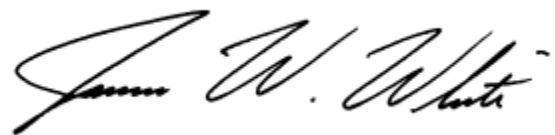
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Assumptions applied to amendment:

- According to information provided by DCS, a total of 204 cases for FY09 would be impacted by this bill. The Commission will review no more than 10 percent of the total cases (20). Of that total, 10 cases will require hearings and testimony of witnesses each year. There will be a total of five investigatory two-day meetings each year as well as one annual meeting to prepare the required annual report. Each case will involve two separate incidents. Estimate assumes three witnesses per incident who reside outside of Nashville will be required to testify resulting in a total of 60 witnesses (3 witnesses per incident x 10 cases x 2 incidents per case).
- Half of the 60 witnesses (30) will live an average of 200 miles outside of Nashville and will require a hotel for the two-day meetings. Reimbursement for per diem expenses for 30 witnesses will be \$2,970 (\$49.50 x 2 days x 30 witnesses); lodging will be \$3,570 (\$119 x 30 witnesses); and mileage expenses of \$5,520 (\$0.46 x 400 miles x 30 witnesses) for a total of \$12,060.
- The other half of the 60 witness (30) will live an average of 75 miles outside of Nashville and will not require a hotel for the two-day meetings. Reimbursement for mileage expenses will be \$2,070 (\$0.46 x 150 miles x 30 witnesses).
- Total recurring expenditures for witnesses will be \$14,130 (\$12,060 + \$2,070).
- Travel expenses for four legislative members of \$3,706.56 (\$154.44 mileage x 6 days x 4 members) plus per diem of \$8,140 (\$185 per diem x 11 meeting days x 4 members).
- Thirteen non-legislative members will receive mileage reimbursement of \$6,578 (\$0.46 x 100 average number of miles x 11 meeting days x 13 members). Five of those 13 will also receive per diem and hotel expenses of \$4,212.50 for each two-day meetings [(\$119 hotel expenses + \$49.50 per diem) x 5 days x 5 members].
- Total recurring expenditures of \$36,767.06 (\$14,130 + \$3,706.56 + \$8,140 + \$6,578 + \$4,212.50).
- DSC currently maintains detailed records of each case. Providing the required summaries of each case as required by this bill can be handled within existing resources without an increased appropriation or reduced reversion.
- The Commissioner of Children's Services will not receive per diem or mileage reimbursement.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc